

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Earnest Edward Vaughn, Sr.,
aka Earnest E. Vaughn,
aka Earnest E. Vaughn, Sr.,

Plaintiff,

-versus-

Greenwood County Detention Center;
NFN Lewis, Sargent;
Dokter Gondoneer, formerly known as Dr. John Doe;
NFN McFadden, Nurse,

Defendants.

C.A. No. 8:07-1385-TLW-BHH

ORDER

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Bruce Howe Hendricks, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hendricks recommends that the Complaint in the above-captioned case be dismissed without prejudice and without issuance and service of process.¹ The plaintiff has filed objections to the Report.²

In conducting this review, the Court applies the following standard:

¹The Court notes that at the time the Report was filed on May 29, 2007 the Original Complaint was the only Complaint in the record. On May 31, 2007, plaintiff filed an amended Complaint, which appears to list an additional defendant under the “Parties” section. This defendant is discussed in the Original Complaint. No new allegations or claims are raised in this second document. Accordingly, the Court finds the Report in this case to be appropriate.

²Plaintiff has actually filed a letter addressed to the Clerk, outside of the time period for filing objections, discussing matters not related to the claims raised in his original and amended Complaint. However, out of an abundance of caution, the Court will apply the de novo standard of review.

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 8); plaintiff's objections are **OVERRULED**; and Plaintiff's complaint is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

August 21, 2007

Florence, South Carolina